

**AN ACT CONCERNING THE SAFEGUARDING OF FUNDS FOR  
RESIDENTS OF CERTAIN LONG-TERM CARE FACILITIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 19a-551 of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective July 1, 2015*):

3       **Sec. 19a-551. (Formerly Sec. 19-623a). Management of patient's**  
4       **personal funds.** Each nursing home facility and residential care home  
5       shall: (1) On or before the admission of each [patient] resident provide  
6       such [patient] resident or such [patient's] resident's legally liable  
7       relative, guardian or conservator with a written statement explaining  
8       such [patient's] resident's rights regarding the [patient's] resident's  
9       personal funds and listing the charges that may be deducted from such  
10      funds. Such statement shall explain that the nursing home facility or  
11      residential care home shall on and after October 1, 1992, pay interest at  
12      a rate not less than four per cent per annum and on and after October  
13      1, 1994, pay interest at a rate not less than five and one-half per cent  
14      per annum on any security deposit or other advance payment required  
15      of such [patient] resident prior to admission to the nursing home  
16      facility or residential care home. In the case of [patients] residents  
17      receiving benefits under Title XVIII or XIX of the federal Social  
18      Security Act the statement shall include a list of charges not covered by  
19      said titles and not covered by the basic per diem rate provided by said  
20      titles. Upon delivery of such statement the person in charge of the  
21      nursing home facility or residential care home shall obtain a signed  
22      receipt acknowledging such delivery; (2) upon written consent or  
23      request of the [patient] resident or the [patient's] resident's legally

24 liable relative, guardian or conservator, manage such [patient's]  
25 resident's personal funds, provided such consent by a [patient]  
26 resident shall not be effective unless cosigned by the [patient's]  
27 resident's legally liable relative or guardian if such [patient] resident  
28 has been determined by a physician to be mentally incapable of  
29 understanding and no conservator has been appointed. As manager of  
30 such personal funds the nursing home facility or residential care home  
31 shall: (A) Either maintain separate accounts for each [patient] resident  
32 or maintain an aggregate trust account for [patients'] residents' funds  
33 to prevent commingling the personal funds of [patients] residents with  
34 the funds of such facility or residential care home. Such facility or  
35 residential care home shall notify in writing each [patient] resident  
36 receiving Medicaid assistance or such [patient's] resident's legally  
37 liable relative, guardian or conservator when the amount in the  
38 [patient's] resident's account reaches two hundred dollars less than the  
39 dollar amount determined under the Medicaid program as the  
40 maximum for eligibility under the program and advise the [patient]  
41 resident or such [patient's] resident's legally liable relative, guardian or  
42 conservator that if the amount in the account plus the value of the  
43 [patient's] resident's other nonexempt resources reaches the maximum  
44 the [patient] resident may lose his or her Medicaid eligibility; (B)  
45 obtain signed receipts for each expenditure from each [patient's]  
46 resident's personal funds; (C) maintain an individual itemized record  
47 of income and expenditures for each [patient] resident, including  
48 quarterly accountings; and (D) permit the [patient] resident or the  
49 [patient's] resident's legally liable relative, guardian or conservator,  
50 and the regional long-term care ombudsman, and representatives from  
51 the Departments of Social Services and Public Health, access to such  
52 record; and (3) (A) refund any overpayment or deposit from a former  
53 [patient] resident or such [patient's] resident's legally liable relative,  
54 guardian or conservator not later than thirty days after the [patient's]  
55 resident's discharge and (B) refund any deposit from an individual  
56 planning to be admitted to such facility or residential care home not  
57 later than thirty days after receipt of written notification that the  
58 individual is no longer planning to be admitted. A refund issued after

59 thirty days shall include interest at a rate of ten per cent per annum.  
60 For the purposes of this section "deposit" shall include liquidated  
61 damages under any contract for pending admission.

62 Sec. 2. Section 19a-552 of the general statutes is repealed and the  
63 following is substituted in lieu thereof (*Effective July 1, 2015*):

64 **Sec. 19a-552. (Formerly Sec. 19-623b). Failure to comply with**  
65 **section 19a-551: Penalties.** (a) Any person who violates any provision  
66 of section 19a-551 shall be guilty of a class A misdemeanor.

67 (b) Any [patient] resident of a nursing home or residential care  
68 home or [his] such resident's legally liable relative, guardian or  
69 conservator may bring an action in the Superior Court for any  
70 violation of section 19a-551. Any nursing home facility or residential  
71 care home determined by the court to be in violation of any provision  
72 of said section shall be liable to the injured party for treble damages.

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This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	19a-551
Sec. 2	<i>July 1, 2015</i>	19a-552